

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

DON WESLEY,	§	
	§	
Plaintiff,	§	
	§	Civil Action No. 3:05-CV-2266-D
VS.	§	
	§	
YELLOW TRANSPORTATION, INC.,	§	
C/O THE FRICK CO.,	§	
	§	
Defendant.	§	
 RICHARD A. ARRIETA, et al.,	§	
	§	
Plaintiffs,	§	
	§	Civil Action No. 3:05-CV-2271-D
VS.	§	
	§	
YELLOW TRANSPORTATION, INC.,	§	
C/O THE FRICK CO.,	§	
	§	
Defendant.	§	

**ORDER**

The court sets these cases for a consolidated trial on Monday, October 26, 2009 at 9:00 a.m.<sup>1</sup>

The cases will be tried under time limits so that they will be argued and submitted to the jury by the end of the trial day on Thursday, November 12, 2009. The cases will not be tried on Friday, October 30, 2009, Friday, November 6, 2009, or Wednesday, November 11, 2009. The jury will be permitted to deliberate, if necessary, on Friday, November 13, 2009.

The court will conduct a pretrial conference the week of October 13, 2009. The court will later contact counsel concerning their availability to attend this conference in Dallas.

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<sup>1</sup>The Clerk of Court is advised that the trials of these cases are being consolidated under Fed. R. Civ. P. 42(a)(1), but the cases themselves are not being consolidated with each other. This order should therefore be docketed in both cases.

Except as set out in the next sentence, for purposes of calculating the parties' obligations under Fed. R. Civ. P. 26(a)(3), the local civil rules of this court, and the court's trial setting orders in these cases, October 26, 2009 is the trial date. Because the court intends to conduct the pretrial conference during the week of October 13, 2009, filings that would otherwise be due 14 days before the date of the trial setting must be filed or submitted<sup>2</sup> no later than October 5, 2009, and filings that would otherwise be due 7 days before the date of the trial setting must be filed no later than October 13, 2009.

To assist the parties and the court, the court directs the parties to submit a proposed consolidated pretrial order that governs both cases and to make consolidated pretrial filings (e.g., Rule 26(a)(3) disclosures and objections, witness lists, exhibit lists, deposition designations, and motions *in limine*) that apply to both cases. This will eliminate the need for the parties and the court to refer to two sets of documents before and during trial.

**SO ORDERED.**

August 26, 2009.

  
SIDNEY A. FITZWATER  
CHIEF JUDGE

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<sup>2</sup>Under the court's trial setting orders in these cases, the proposed pretrial order is submitted to the court, not filed with the Clerk of Court.